

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/5/2017

JAMES CONTANT, MARTIN-HAN TRAN,
CARLOS GONZALEZ, UGNIUS MATKUS,
JERRY JACOBSON, and PAUL
VERMILLION, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION, *et*
al.,

Defendants.

Case No. 1:17-cv-03139-LGS

ECF CASE

**STIPULATION REGARDING SERVICE
OF THE CLASS ACTION COMPLAINT
AND BRIEFING SCHEDULE**

Plaintiffs James Contant, Martin-Han Tran, Carlos Gonzalez, Ugnius Matkus, Jerry Jacobson, and Paul Vermillion (collectively, “Plaintiffs”); and Defendants Bank of America Corporation, Bank of America, N.A., Merrill Lynch, Pierce, Fenner & Smith Incorporated, The Bank of Tokyo-Mitsubishi, UFJ Ltd., Barclays Bank PLC, Barclays Capital Inc., BNP Paribas (identified in the complaint as “BNP Paribas Group”), BNP Paribas North America, Inc., BNP Paribas Securities Corp., BNP Paribas Prime Brokerage, Inc., Citigroup Inc., Citibank, N.A., Citicorp, Citigroup Global Markets Inc., Credit Suisse Group AG, Credit Suisse AG, Credit Suisse Securities (USA) LLC, Deutsche Bank AG, Deutsche Bank Securities Inc., The Goldman Sachs Group, Inc., Goldman, Sachs & Co., HSBC Holdings PLC, HSBC Bank PLC, HSBC North America Holdings, Inc., HSBC Bank USA, N.A., HSBC Securities (USA) Inc., JPMorgan Chase & Co., JPMorgan Chase Bank, N.A., Morgan Stanley, Morgan Stanley & Co., LLC, Morgan Stanley & Co. International PLC, RBC Capital Markets LLC, The Royal Bank of Scotland Group plc, RBS Securities Inc., Société Générale, Standard Chartered Bank, UBS AG, UBS Group AG, and UBS Securities LLC (collectively, “Defendants”), so as to conserve

both party and judicial resources, by and through their respective undersigned counsel, submit the following stipulation. The parties originally agreed to a schedule that provided 45 days for Defendants to file motions to dismiss and/or stay, 45 days for Plaintiffs to file memoranda in opposition or an amended complaint, and 23 days for Defendants' reply memoranda, and the parties submitted that proposed schedule to the Court in the Joint Letter dated April 28, 2017. ECF No. 5. On May 2, 2017, Defendants notified Plaintiffs that the agreed-upon schedule may conflict with several Defendants' vacation plans. The Court subsequently entered an Order directing the parties to submit a proposed stipulation that set forth the deadlines in their April 28, 2017 letter. ECF No. 8. In an effort to address Defendants' potential scheduling conflict without further extending the proposed briefing schedule, the parties hereby stipulate as follows:

1. Plaintiffs filed a complaint in the above-captioned proceeding on April 28, 2017.
2. Defendants may file a joint 12(b)(6) Motion to Dismiss and/or Stay and a separate joint 12(b)(2) Motion to Dismiss, both due 45 days after the entry of this Order.
3. Plaintiffs may file memoranda in opposition to Defendants' Motions to Dismiss, both due 35 days after the filing of Defendants' motions.
4. In lieu of filing memoranda in opposition to Defendants' motions, Plaintiffs may file an amended complaint within 35 days of the filing of Defendants' motions.
5. If Plaintiffs file memoranda in opposition to Defendants' motions, Defendants may file joint reply briefs, due 23 days after the filing of Plaintiffs' opposition briefs.
6. Should Plaintiffs later determine that additional time is necessary for Plaintiffs' opposition memoranda or amended complaint, the parties will promptly submit a stipulation that requests an extension of the deadline for Plaintiffs' opposition memoranda or amended

complaint, and a modification of the deadline for Defendants' reply memoranda to accommodate Defendants' vacation schedules.

7. Pursuant to Fed. R. Civ. P. 4(d), Defendants hereby waive service of the complaint and waive any and all service defects without any further process or request for waiver necessary on Plaintiffs' part.

8. Neither Defendants' waiver of such service nor Defendants' entry into this Stipulation shall constitute a waiver of any other defense, including, but not limited to, the defenses of lack of subject matter jurisdiction, lack of personal jurisdiction, or improper venue.

9. Service of the complaint on Defendants shall be effective as of the date of the entry of the Order granting this Stipulation.

Pursuant to Rule 8.5 of the S.D.N.Y. Electronic Case Filing Rules & Instructions, the parties hereby represent that all Defendants listed below consent to this Stipulation.

Dated: May 5, 2017
New York, New York

SO ORDERED



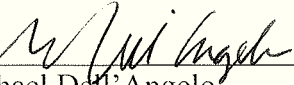
HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dated: May 4, 2017

Respectfully submitted,

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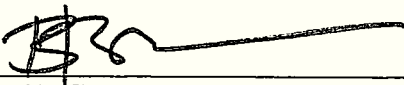
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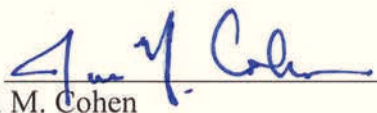
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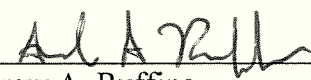
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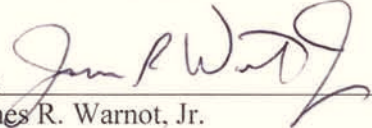
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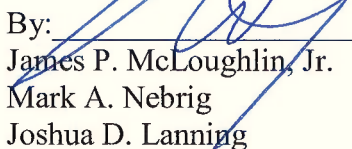
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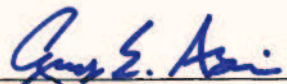
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